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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,266	02/07/2002	Leslie H. Swanson	3161.1000-001	9025
21005 7590 02/27/2007 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/27/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/071,266

Applicant(s)

SWANSON, LESLIE H.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-44 is/are pending in the application.
- 4a) Of the above claim(s) 23-27 and 29-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-22 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2006 has been entered.

### ***Response to Amendment***

2. Applicant has canceled all previously filed claims 1-20 and has filed new set of claims 21-44. Currently claims 21-44 are pending for examination.

### ***Election/Restrictions***

3. Newly submitted claims 23-27, and 29-44 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

(a) Claims 23-27 correspond to earlier non-elected and withdrawn claims 9-13, claim 30 correspond to earlier non-elected and withdrawn claim 6, claims 34-40 correspond to earlier non-elected and withdrawn claims 14-18, and (b) claims 29, 31-33 (limitations such as, selecting product without having to proceed in a predetermined sequence, rendering product solution as vector graphic drawing, and describing the vector graphic drawing in XML, controlling the display by using customized views and that the views

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include security based views, templates, sending BOM to another user, etc.) and 41-44 are directed to new subject matter which was not required in the originally elected invention consisting of claims 1-4, 7 and 19-20.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-27 and 29-34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

In view of the above claims 21-22 and 28 will be further treated on merits

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 21-44 have been considered but are moot in view of (a) election by original presentation and withdrawing of claims 23-27 and 29-44, as stated above and (b) the new ground(s) of rejection used for the new claims 21-22 and 28.

5. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other relevant and related passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the other relevant and related passages and figures in the cited

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references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-22 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Guheen et al. (US Patent 6,615,166).

Guheen discloses a computer implemented intelligent catalog system for electronic creation, management and viewing of product information using a multimedia display system (see at least col.6, lines 55-67. Guheen discloses a system and method for electronically creating, presenting, displaying and managing product information wherein the product is a web architecture framework) comprising:

(a) a database repository storing information about products from one or more vendors according to an object model representing the product information, the object model including parametric objects, graphic objects, document objects, configuration business rules objects and procurement rule objects, where the object model is capable of handling an unlimited number of objects for each product;

(b) the configuration business rules objects being stored according to a hierarchy by:

(i) storing sub-products that a product is comprised of, including storing product part replacement information;

(ii) storing product accessories capable of being added to a product;

(iii) storing rules for building product solutions that incorporate product information stored in the database; or

(iv) storing rules for equivalence or substitution of products for use when building a product solution;

(c) the database using a meta data system describing the product information, the meta data system capable of dynamic reconfiguration of user applications when i) new product types are added to the database, or ii) changes are made to a multimedia display user interface in communication with the database;

(d) a content translator, in communication with the database, converting unstructured product content into structured product content based on the object model and the meta data system, where the content translator indexes the structured product content in the database to create at least a portion of the product information;

(e) user applications, in communication with the database, using the object model and the meta data system, the user applications including a catalog application and a bill of materials application; and

(f) one or more of the user applications configuring and designing a product

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solution based on the configuration business rules objects, where the product solution being configured and designed includes one or more products each containing one or more sub-products.

(For all of the above limitations see at least col.14, line 36-col.27, line 58 and col.111, line 5-col.113, line 32 and col.44, line 34-col.52, line 56. Guheen's invention relates to presenting/conveying /displaying/managing/creating product information regarding a product, such as web architecture framework via graphic, text, alphanumeric and parametric representations and covers all the limitations of claim 21 as suggested in the cited excerpts or elsewhere.)

Regarding claim 22, Guheen discloses that a computer implemented intelligent catalog system as in claim 21 wherein new configuration business rules are added without reprogramming the object model (Guheen teaches OOP, that is object oriented programming which enables addition and derivation of new objects from the existing objects, see at least col.27, line 24-col.29, line 23) .

Regarding claim 28, Guheen discloses that the computer implemented intelligent catalog system as in Claim 21 wherein the one or more user applications are automatically adaptive to the dynamic reconfiguration of the product information (see at least the Table in col.26, "....*Business3server A multi-threaded web and publishing server that provides the following capabilities: Serves HTML pages and other media files Runs CGI scripts and processes server-side includes Platform for dynamic web applications: ....*).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 7103605B1 to Hazi et al. (see at least col.1, line 10-col.2, line 11) discloses electronically and independently creating, managing and displaying product information by generating custom and template -driven catalogs from the available information stored in database(s) and making them accessible to a vast number of users and further teaches enabling efficient updating and maintaining of the product information.

US PG-Pub 2004/0030778 to Kronenberg et al. (see at least Abstract and paragraph 0094) discloses a method and apparatus for monitoring network systems.

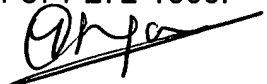
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yogesh C Garg  
Primary Examiner  
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YCG  
2/23/2007